

APPENDIX H

Outfitter and Guide Operating Guidelines

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Operating Guidelines

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APPENDIX H

Outfitter and Guide Operating Guidelines

Introduction

Hells Canyon is primarily a backcountry area that has limited road access and depends primarily on primitive modes of travel. The majority of backcountry areas exhibit characteristics that are similar to wilderness, and outfitter guide operations both in and out of wilderness would be managed essentially the same. Exceptions to the management policy are those activities that are wilderness dependent and those actions or activities that are illegal in wildernesses.

Outfitting and guiding services include but are not limited to packing, hunts, float trips, canoe or horse liveries, ski touring, helicopter skiing, snowmobiling, jeep tours, boat tours, and fishing trips. The *Wild and Scenic Snake River Recreation Management Plan* (USDA 1999) provides direction for the administration of float and powerboat permits on the Wild and Scenic Snake River.

Upland Outfitter and Guide Operating Guidelines

Authorities, policies, responsibilities, and definitions for special use permits are provided in FSM 2700, FSM 2320.13g and FSH 2709.11. For **Alternatives B and E-modified**, permits for outfitters and guides operating on NFS lands in the HCNRA will be administered in accordance with the following guidelines. Standards and guidelines in **Appendix C, Table C-1: Goals, Objectives, Standards and Guidelines**, have been incorporated into this appendix and are identified in parentheses where applicable.

Objectives

Authorize, manage, and evaluate special use permits for outfitter and guide operations in accordance with FSM 2700. The needs of the general public are higher priority than those of the applicant being considered for a special use permit. (**Appendix C, Table C-1, Standard Rec-S13**)

Policy

Manage outfitter and guide permits at the following level for the three years following the implementation of the plan. Evaluate the need to consider new applications for outfitter and guide permits every three years. (**Appendix C, Standard Rec-S15**)

State	Type of Special Use Permit	Wilderness	Nonwilderness
Oregon	Cougar/bear hunting (day use only, access from roads only, no horses)	0	3
	Progressive horse/mule trips, big game, cougar/bear, hunting, fishing	7	2
	Progressive llama trips	2	0
	Mountain biking	0	1
	Guided fishing, whitewater trips, Imnaha Wild and Scenic River	0	2
	Guided photography	0	1
	Motorized ground transportation (roaded only)	0	1
Total for Oregon:		9	10
Idaho	Progressive horse/mule trips, big game, cougar/bear hunting, fishing	2	0
Total for Idaho:		2	0
Totals			
Total Number of Upland Outfitter and Guide Permits:		11	10

If conditions substantially change prior to the three-year review, an interim review would be conducted.

Valid Uses

Activities consistent with the following criteria will be considered valid:

- Proposed or solicited use must be consistent with recreation opportunity spectrum (ROS) for the Wilderness (WROS) or nonwilderness (ROS) settings.
- Activities must be manageable to mitigate or prevent detrimental resource impacts. Activities must not introduce nonconforming uses into proposed use areas. Activities must not foreclose all other recreational or management activities.

Scheduled Reviews

Reviews of proposed or solicited use would consider whether the resource provides adequate opportunities to sustain a commercial operation, and whether the necessary elements required by the proposed activity are available.

If the scheduled review determines the need to change the existing number of permits, and/or existing assigned use levels, applications for use would be solicited from existing outfitters and new applicants. Conduct interdisciplinary analysis to determine potential effects. Provide appropriate planning documentation, and do public scoping with potentially affected groups or individuals prior to issuing a new permit.

Selections of new permittees would be made by the FS according to applicants rating based on the evaluation criteria set forth in the prospectus bid process. The intent is to provide high quality, diverse service to the public at competitive prices.

Coordination

Administer outfitter and guide use during general big-game hunting seasons (deer and elk) according to designated outfitter areas for the Hells Canyon Wilderness and inaccessible portions of the HCNRA identified in conjunction with Eastern Oregon Outfitter and Guides Association (see 1920 CMP files at WWNF headquarters in Baker City, Oregon).

Administer outfitter and guide use in coordination with the Idaho Outfitters and Guides Licensing Board as provided in their memorandum of understanding with the WWNF (see 1580 files at HCNRA office in Enterprise, Oregon).

Coordinate outfitter and guide administration with adjacent forests, districts, and planning areas (including the Snake River corridor).

Permits Required

Application for one-time, short-duration, nationally or regionally important activities would be reviewed to ensure that they do not create unacceptable resource or user impacts to existing outfitter or nonguided recreation activities.

Applications and Issuance of Permits

Evaluate new applications for outfitter and guide permits every three years.

Assignment and Management of Temporary Use

Proposals for large group activities and events would be carefully reviewed to assure that the proposed use meets the ROS or WROS setting, and the potential for resource damage can be adequately mitigated

Assignment and Management of Priority Use

Any decision to change use levels on an existing permit or issue an additional outfitter and guide permit must take into account the relationship between the existing total use level (guided and nonguided sectors) and the level of conflict occurring, if any, between outfitters, and guided or nonguided public. Analysis of use levels would involve an examination of use trends for the activity in question. An appropriate balance of use must be maintained between the two sectors to ensure all users of a reasonable opportunity to enjoy a quality recreation experience. Decisions to adjust use levels would be based on the need to meet use levels and encounter rates established by the ROS or WROS. Use levels may be adjusted up or down for all existing outfitter and guide permittees.

If a significant number of outfitters in an area have consistently used 70 percent or more of their assigned use, the need for raising existing use levels and or issuing new permits may be analyzed.

Reduction of Use or Service Days

If a significant number of permitted outfitters and guides use less than 70 percent of the assigned level of service days three out of five years during the previous five-year period, public demand for additional outfitters is not sufficient by itself to justify analyzing the need to raise use assignment levels or to issue additional permits.

Under these requirements, a decision would be made whether or not to add additional permits or to reduce use for permittees who have used less than 70 percent of their use assignment level during the previous five-year period. Before any reductions or additional permits are issued, other factors would be considered including the general market and other economic fluctuations, the availability of state hunting licenses, weather, and other natural phenomena which may adversely affect the ability of the permit holder to make full use of assigned service days.

Permit Terms and Conditions

Require outfitters to obtain heritage resource protection training as a condition of permit issuance so they can inform customers/guests of the significance and sensitivity of heritage resources and potential penalties for damaging, defacing, or removing heritage resources. **(Appendix C, Table C-1, Standard Her-S12)**

Provide heritage resource protection training for outfitters and guides on an annual basis, or as needed, to foster increased sensitivity and awareness. A training video could also be made available for viewing in visitor centers and offices. **(Appendix C, Table C-1, Guideline Her-G4)**

Provide training on an annual basis on the use and effects of fire in the HCNRA to outfitters and guides. The training will focus on the beneficial uses of fire and the potential health risks associated with it so they may educate recreational users.

Limit party size for outfitted or guided groups to: **(Appendix C, Table C-1, Standard Rec-S10)**

Management Area	Number of People	Number of Stock
Hells Canyon Wilderness	8	16
Wild Snake River	8	16
Scenic Snake River*	8	16

* Party size limitations do not apply to campers accessing the corridor by trail. Party size restrictions for trail users are the same as when they are in the Wilderness.

Develop and approve an annual operating plan (AOP) for each permittee, signed by the Area Ranger and permittee, prior to the permittee entering the HCNRA for the purpose of commercial outfitting.

Establish itinerary, reserve camp, and performance standards in the AOP. Confirm trips and route in advance of permittee entering the HCNRA.

Incorporate special provisions and requirements for occupancy and use of the Hells Canyon Wilderness into the AOP.

Establish grazing limitations for pack and saddle stock used by the permittee and clients in accordance with resource protection. Any authorization to graze pack and saddle animals under these permits is on a temporary basis and such grazing would not establish a priority for future use of the range. The permittee may be required to pack livestock feed into the area.

Specify and Describe Proposed Use:

- Administer all outfitter guide trips without regard for outfitter area designations. Administrators will direct and coordinate itineraries and route selections with each outfitter/guide to avoid simultaneous use of travel routes and campsites. If conflicts are identified, modifications to proposed itineraries would be made. The earliest submitted itinerary would have preference. Progressive trip categories are identified as:
 - Spring/summer progressive sightseeing or photography trips;
 - Drop camps for specialty hunts such as bear, cougar, or sheep; and
 - Specialty guided hunts for sheep, bear, or cougar.
- Game animals killed in another outfitter's designated area in error or as a result of wounded animals crossing designated areas would be the responsibility of the contracted outfitter.
- Attempt to locate reserved base camps in areas less likely to be used by the general public to reduce conflicts. Require posting two weeks prior to use. Reserve camps can be considered for another outfitter's area only after the cooperating outfitters submit a written agreement to the Forest Officer in charge.
- Delineate specific permitted activities. For example, an outfitter permitted to hunt big game is not authorized to conduct technical instruction in fishing. They may, however, provide transportation and packing for another outfitter or guide who provides fishing instruction in lieu of, or in addition to, their expected use.
- Emphasize a quality experience for the public by reducing conflicts and overlaps in the trip area through timing, dates, and access.

Additional outfitter and guide use days are not granted where limits of acceptables (LAC) standards are exceeded or where a trend suggests that standards will be exceeded. Outfitter and guide use may be reduced from current levels along with all visitor use, in areas where LAC standards are exceeded.

Additional services could be approved providing the offered service meets needs of the public to visit Hells Canyon Wilderness and nonwilderness areas such as:

- Senior citizens
- People with disabilities
- Minority groups
- Youth groups

Service projects could be approved subject to the number of projects that could potentially be accomplished by visitors who are supported by outfitters such as:

- Trail maintenance
- Campsite or trail restoration
- Trail bridge repair, construction or removal
- Trail pickup, abandoned equipment, nonconforming use and removal

Permit Administration

Conduct annual review and evaluation inspections of each outfitting and guide operation and monitor resource conditions according to criteria in the AOP. Annually review operations for compliance with terms of permit and AOP, and evaluate permittee performance.

Managing New Requests and Expansion of Existing Permits

Evaluation Criteria

Applicants for new uses or additional use from existing permits will be required to demonstrate a need for the service. The following criteria will be used to evaluate a new outfitter/guide application, or to modify a current outfitter/guide operation. The Area Ranger will use these guidelines as evaluation criteria for existing and proposed new operations. Not all criteria would have to be fully met for an operation to continue or be considered.

1. What unique skills does the applicant offer to provide this recreation opportunity to the public?

A portion of the public, for a variety of reasons, does not have the skills and knowledge necessary to participate in, or experience some of the opportunities available in the area. Neither do they want to spend the money or time to purchase and maintain the necessary specialized equipment.

The skills required are so unique that an outfitter is almost a prerequisite if this segment of the public is to have any opportunity to participate in and enjoy certain activities. The public, especially nonresidents, need the outfitter's knowledge of the recreational resource and activity in order to enjoy the area in a manner that reduces resource demand and user conflicts. This includes where and how to best access and travel through an area.

2. How does the proposed activity reduce resource demands and use conflicts?

3. How does the proposal enhance access and travel through the areas?

An outfitter's skills and equipment provide a reasonable level of safety for the participants. Outfitters provide a high measure of safety because they are more experienced.

4. How does the proposed activity protect, enhance, and assure the safety of activity participants?

5. How does the proposed activity enhance special management objectives and issues prevalent in the HCNRA?

- Americans with Disabilities Act
- Threatened, endangered, proposed and sensitive species
- Environmental education
- Heritage resources
- Interpretation
- Fire
- Other management objectives

Outfitter assistance may better ensure special management objectives are met and/or issues are resolved. Examples include providing recreational opportunities for the handicapped, protecting fragile resources, providing environmental education and interpretive information concerning historical and prehistoric protection and activities.

6. How does the proposal promote:

- Diversity
- Use by nontraditional user groups
- Use by nontraditional user groups of the Hells Canyon Wilderness

Outfitter and guide operations and activities promote acceptance of diversity including use of the Hells Canyon Wilderness by nontraditional user groups.

7. How would the proposed activity aid FS officials in monitoring:

- Resource conditions
- Guided public use
- Nonguided public use
- User conflicts
- Experience levels

Field observations; monitoring of resource conditions specified in annual operating plans; surveys of guided and nonguided public to determine resource concerns, user conflicts, and experience levels; show that outfitter and guide operations and activities are consistent with HCNRA management objectives.

8. Explain how the proposed activity is consistent with WROS, ROS, and HCNRA management objectives for the Hells Canyon Wilderness and nonwilderness settings.
9. How would the proposed activity promote wilderness skills, no trace camping techniques, and heritage resource protection?
10. How would the proposed activity focus on specific resource conditions found only in Hells Canyon Wilderness of the HCNRA?
11. How would the proposed activity provide educational experiences that would focus or teach visitors to use techniques and or equipment to minimize resource impacts?
12. Demonstrate how the proposal is dependant on National Forest System land for its operation both in wilderness and nonwilderness. Permit applications will be evaluated against opportunities to provide the proposed service on private land or other public lands.
13. More criteria may be added as directed by the Forest Officer in charge to more clearly define the intent and benefits of the proposal.

Management Need

Management need is not determined by public market demand or by a prospective outfitter or guide's desire for a permit. The agency determines the need based on mission, goals, objectives, and resource capability; and makes outfitter and guide allocations to attain those goals and objectives by area based on resource capability.

The requirement to assess the need for outfitting and guiding services before issuing special use permits for outfitting and guiding operations is established in the following:

- The *Wilderness Act of 1964* (Public Law 88-577), which states: "Commercial services may be performed within the wilderness areas designated by this Act to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas."
- The *Code of Federal Regulations*, 36 CFR 251.54 (i), which states in part: "An authorized officer may deny issuance of an authorization for all other special uses if that officer determines: (1) The proposed use would be inconsistent with the purposes for which the lands are managed, or with other uses; or (2) The proposed use would be in the public interest."
- *FSM 2323.12*, which states in part: "Consistent with management of wilderness, permit outfitter and guide operations where they are necessary to help segments of the public use and enjoy wilderness areas for recreational or other wilderness purposes."
- *FSM 2323.13g*, which states in part: "Address the need for and role of outfitters and guides in the Forest Plan. The plan must address the type, numbers and amount of recreational use that is allocated to outfitter guides. Ensure that outfitters provide their service to the public in a manner that is compatible with use by other wilderness visitors and that maintains the wilderness resource."
- *FSM 2323.14*, which states in part: "Plan and manage public use of wilderness in such a manner that preserves the wilderness character of the area. Provide for the limiting and distribution of visitor use according to periodic estimates of capacity in the *Forest Plan*."

- *FSM 2323.38*, which states in part: "*The Wilderness Act* requires managers to search for a balance between preserving the wilderness resource, by protecting natural ecological processes that can cause plant and animal populations, or ranges, to change, while at the same time making the resource available for visitor use and enjoyment. To do both, it may be necessary at times to limit visitor use to ensure that human influence does not impair natural wildlife or fish populations or their habitat."
- *FSM 2712.2*, which states in part: "When careful multiple use or functional planning indicates a concession opportunity is available and there is a demonstrated public need for the service, make every effort to obtain the best qualified permittee as well as an equitable return to the United States."
- *FSM 2721.53*, which states in part: "Require all private parties conducting outfitter-guide activities on national forest land to have a Special Use Authorization."
- *FSH 2709.11, Section 41.53f*, which states in part: "Outfitting and guiding permits may be issued when one or more of the following occurs: (1) An increased allocation, capacity or public need is identified through the forest planning process," and "Issue and administer special use permits for outfitter-guide activities to: 1. Meet general public recreation service needs identified through forest land and resource management planning."
- *Wallowa-Whitman National Forest Land and Resource Management Plan* which states in part: "Authorize and permit outfitter and guide operations where *FSM 2720* criteria are met and when supported by an environmental analysis," and "Outfitter guide services will continue."

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